



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



November 7, 2014



Re: [REDACTED]
Complaint No. 15-0135

Dear [REDACTED]

This office is responding to the complaint filed by [REDACTED] for the above-referenced student, against the [REDACTED] on behalf of the student. In the complaint, [REDACTED] claimed that the district refused to educate the student. The complaint inquiry letter set forth the issue to be investigated as follows:

Issue: Children placed by state agencies are entitled to receive, from the school district in which they reside as a result of the placement by the state agency, the same free school privileges which are available to the other children who live within the territory of the school district. For a child eligible for special education services who has been placed out of home by a state agency, the child's current individualized education program must be implemented fully upon placement. The nexus school district is obligated to reimburse the district implementing the individualized education program (IEP) for the reasonable cost of the IEP services. On what basis did [REDACTED] refuse to implement the student's IEP?

The following were reviewed: complaint; e-mails exchanged between school staff and the surrogate parent; student's individualized education programs dated August 18, 2014, September 8, 2014 and September 26, 2014; district's response to the complaint inquiry letter; and Department of Children and Families (DCF) form 603. Additionally, this investigator spoke to [REDACTED]

Findings of Fact:

1. The student is 14 years old and eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) eligibility category of Emotional Disturbance.

She was placed by DCF in a foster home in [REDACTED] on August 8, 2014. The student's parents reside in [REDACTED]. On August 12, 2014, DCF issued a form 603 *Notification to the Local Education Agency of a Placement* to [REDACTED]. The form 603 documents DCF's determination that the child's best interests require the student to remain in her school of origin in [REDACTED].

2. [REDACTED] convened the student's planning and placement team (PPT), including DCF, on August 18, 2014. Representatives of [REDACTED] were not invited to the meeting and did not participate. Consistent with DCF's best interests determination, the PPT recommended that the student attend [REDACTED]. The meeting summary notes that DCF would transport the student from her foster home in [REDACTED] to school in [REDACTED].

3. In an email to [REDACTED] among others including [REDACTED] dated Thursday, September 4, 2014, a [REDACTED] special education supervisor, [REDACTED], stated that [REDACTED] could not provide a program to educate the student. [REDACTED] is a newly hired special education supervisor. Upon receipt of the email, [REDACTED] was concerned that [REDACTED] did not understand [REDACTED] obligation to educate the student and in order to correct [REDACTED] error, she directed [REDACTED] to contact [REDACTED] staff to let them know that [REDACTED] would take the necessary steps to provide an appropriate education program to the student in [REDACTED]. On Monday, September 8, 2014, [REDACTED] spoke to [REDACTED] from [REDACTED] and corrected her mistake. She did not contact [REDACTED] because she knew the PPT was meeting that day and assumed [REDACTED] would be updated at the meeting. Later that day, [REDACTED] convened the scheduled PPT meeting and convened a second meeting on September 26, 2014. The PPT decided the student required an out of district placement and placed the student at [REDACTED], a private state-approved special education program.

4. [REDACTED] filed this complaint in response to [REDACTED] email before the September 8, 2014 PPT meeting.

5. In its response to the complaint, [REDACTED] acknowledged the error of [REDACTED] email and stated she had reviewed with [REDACTED] a student's right to education services from [REDACTED] when placed in a foster home in [REDACTED] by DCF. For the time being, [REDACTED] has directed [REDACTED] to discuss with her all students placed by DCF in [REDACTED].

Conclusion:

Children placed in out-of-home care by a state agency are entitled to receive, from the school district in which they reside as a result of the placement by the state agency, the same free school privileges which are available to the other children who live within the boundaries of the school district. For each child who is eligible for special education services and who has been placed in out-of-home care by a state agency, the child's current IEP must be implemented fully upon placement unless the child's IEP requires a setting other than a public school. The school district which is responsible for ensuring the implementation of the child's IEP, usually the district where the child's parents reside, must reimburse the out-of-home district for the reasonable cost of the IEP services. A child in DCF care is also subject to a determination as to whether his or her best interests are served by continuing to attend

school in the school he or she attended before being removed from his or her parents' home. If DCF determines it is in the child's best interests to continue to attend the child's school of origin, the board of education for the school of origin shall continue to provide free school privileges the child.

In this matter, [REDACTED] never had the responsibility to provide educational services to the student despite the fact that she was living in a foster home in [REDACTED]. Upon her placement in [REDACTED] in August, DCF determined it was in the child's best interests to remain in her school of origin in [REDACTED]. The [REDACTED] PPT that met on August 18, 2014 reflected this plan; the student was to remain in [REDACTED] with DCF providing transportation to and from [REDACTED]. On September 26, 2014, the student's PPT revised her IEP and placed her in a private special education placement in order to provide her a free appropriate public education.

The information in the September 4, 2014 email from [REDACTED] to [REDACTED] and the surrogate reflected a lack of understanding by a newly hired special education supervisor about a child's right to free school privileges when placed in out-of-home care by DCF. However, [REDACTED] was not responsible for provision of education services and the statement was promptly recanted and corrected by [REDACTED]. Additionally, [REDACTED] has taken appropriate steps to address the staff person's lack of understanding. The sending of the email did not impact the provision of appropriate services to the student. It is concluded no violation of special education requirements occurred and no corrective action is needed. The complaint is now closed.

Please contact me at [REDACTED] if you have any questions.

